

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. _____</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>October 25, 2007</u></b>
<b>ROBERT P. MERZ</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 2251(d)(1)(A) (advertising</b>
	<b>:</b>	<b>child pornography - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2252(a)(4)(B) (possession of</b>
	<b>:</b>	<b>child pornography - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2252(a)(2) (receipt of child</b>
	<b>:</b>	<b>pornography - 1 count)</b>
		<b>Notice of forfeiture</b>

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**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. At all times material to this Indictment, defendant **ROBERT P. MERZ** was the administrator of a child pornography message board forum on the Internet entitled, "My Kingdom."

2. In or around January 2007, defendant **ROBERT P. MERZ**, as the administrator of My Kingdom, placed a notice and advertisement on the board explaining the rules of the forum, the purpose of the forum, and the general content of the pictures of the children to be posted on the forum. The notice and advertisement read, in part, "This forum is for nudes and non nude pictures, galleries, and videos of children, . . . ages 0-17, both female and males. . . . Whether it is a boy and a girl, or one or the other, we are here for the same reason, we like see the nude body of children," and described the categories for the pictures to be posted on the forum as, for example, "[h]ardcore video only showing some kind of touch or penetration."

3. In or around January 2007, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

**ROBERT P. MERZ**

knowingly made, printed, and published, and caused to be made, printed, and published, a notice and advertisement, seeking and offering to receive, exchange, buy, produce, display, distribute, and reproduce visual depictions of minors engaging in sexually explicit conduct. The production of these images involved the use of minors engaging in sexually explicit conduct. At the time that he posted the notice and advertisement, defendant **ROBERT P. MERZ** knew, and had reason to know, that the notice and advertisement would be transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(d)(1)(A), (2)(A).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

**ROBERT P. MERZ**

knowingly possessed a single DVD that had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce and that contained visual depictions, that is, approximately 7,000 still images and approximately 2 video clips. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct and the visual depictions were of minors engaging in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252(a)(4)(B), (d)(2).

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 18, United States Code, Section 2252(a), set forth above, the defendant

**ROBERT P. MERZ**

shall forfeit to the United States of America the following:

- (1) Any visual depiction involving the use of a minor as described in Title 18, United States Code, Section 2252(a), or any book, magazine, periodical, film, videotape, compact disk, DVD, CD, computer, hard drive, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2252(a);
- (2) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, including but not limited to:
  - eMachine T2314 Computer, Serial Number GPA6110009062;
  - Systemax Computer, Serial Number 003597023;
  - web camera, DVDs, CDs, sloppy diskettes, VHS tapes; and
  - Quantum Hard Drive, Serial Number 2365B01LEJT4G1.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- cannot be located upon the exercise of due diligence;
- has been transferred or sold to, or deposited with, a third party;
- has been placed beyond the jurisdiction of the court;
- has been substantially diminished in value; or
- has been commingled with other property which cannot be

divided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 2253.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**